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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,810	11/24/2003	Hayami Nakagawa	0649-0931P	3459
2292	7590	06/13/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			STRIMBU, GREGORY J	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			3634	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,810	<b>Applicant(s)</b> NAKAGAWA, HAYAMI	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/8/06</u> | 6) <input type="checkbox"/> Other: _____  |

It should first be noted that the information disclosure statement (IDS) filed January 30, 2006 was considered and sent to the applicant with the advisory action mailed May 8, 2006. If the applicant did not receive said IDS, the applicant is invited to call the examiner so that a copy of the initialed IDS can be faxed to the applicant.

### ***Drawings***

The drawing corrections filed November 2, 2004 have been approved.

### ***Claim Rejections - 35 USC § 112***

Claims 1-7, 9-11, 13-15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "an inner edge" on line 4 of claim 1 render the claims indefinite because it is unclear which element of the invention includes the inner edge to which the applicant is referring. Recitations such as "the door glass" on line 2 of claim 2 render the claims indefinite because they lack antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. Okamoto et al. discloses a door for a vehicle, comprising an outer panel 1, an inner panel 2 attached to the outer panel, the inner panel having a central opening (not numbered, but shown in figure 1) defined by an inner edge (not numbered, but shown in figures 1 and 3 as at least the portion of the inner panel 2 which includes the groove 7), a base plate 12 to which at least a window regulator module 31 is assembled, the base plate being formed of a single piece element, i.e., element 12, and having a peripheral edge (not numbered, but comprising one of the edges of the element 24 as shown in figure 3) adapted to be attached to the inner edge of the inner panel, such that the peripheral edge makes contact with the inner edge so as to cover an entire portion of the central opening of the inner panel, a belt line reinforcement 13.

Claims 1, 5, 6, 9-11, 13-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al. Sakaguchi et al. discloses a door for a vehicle, comprising an outer panel 13, an inner panel 20, 21, 22 attached to the outer panel, the inner panel having a central opening (not numbered, but shown in figure 2) defined by an inner edge (not numbered, but shown in figure 2 adjacent the central opening), a base plate 40 to which at least a window regulator module 50 is assembled, the base plate being formed of a single piece element, i.e., element 45, and having a peripheral edge (not numbered, but shown in figure 2) adapted to be attached to the inner edge of the inner panel, such that the peripheral edge makes contact with the inner edge (as

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shown in figure 3) so as to cover an entire portion of the central opening of the inner panel, a belt line reinforcement 44.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. as applied to claims 1, 5, 6, 9-11, 13-16 and 18 above, and further in view of Baldamus et al. Baldamus et al. disclose the use of screws 16 to attach an inner panel to a base plate.

It would have been obvious to one of ordinary skill in the art to provide Sakaguchi et al. with screws, as taught by Baldamus et al., to increase the ease of assembling the door.

### ***Response to Arguments***

Applicant's arguments filed May 25, 2006 have been fully considered but they are not persuasive.

With respect to the applicant comments concerning Okamoto et al., the examiner respectfully disagrees. Claim 1 recites "the base plate being formed of a single piece element and having a peripheral edge". Accordingly, claim 1 only requires the base

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plate to include a single piece element rather than requiring a single piece element form the entire base plate. Therefore, a base plate which has a plurality of single piece elements, such as Okamoto et al., would anticipate claim 1. Additionally, the recitation only requires the base plate and not the single piece element to include the peripheral edge. Thus, Okamoto et al., as set forth in the rejection above, anticipates the applicant's claimed invention.

With respect to the applicant's comments concerning Sakaguchi et al., the examiner respectfully disagrees. Claim 1 only requires the base plate to cover a portion of the central opening. Claim 1 also requires the base plate to cover the entirety of said portion. As shown in figure 3 of Sakaguchi et al., the base plate 40 at least covers the portion of the opening adjacent the lower portion 22 of the inner panel and the base plate covers the entirety of said portion. Thus, Sakaguchi et al. discloses the applicant's claimed invention. Additionally, claims 1 and 16 recite "the base plate being formed of a single piece element and having a peripheral edge". Accordingly, claims 1 and 16 only require the base plate to include a single piece element rather than requiring a single piece element form the entire base plate. Therefore, a base plate which has a plurality of single piece elements, such as Sakaguchi et al., would anticipate claims 1 and 16. Also, the recitation only requires the base plate and not the single piece element to include the peripheral edge.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
June 7, 2006